

Major Project Assessment
Dept Planning & Environment
GPO Box 39
Sydney NSW 2001

3 November 2015

Submission of Objection
Bylong Coal Project: SSD 14_6367

Introduction:

Central West Environment Council (CWEC) is an umbrella organization representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC considers that the expansion of the coal mining industry within Mid-Western Regional Council area has had significant cumulative environmental and social impacts that have not been adequately predicted, mitigated or regulated.

A new greenfield coal mine on prime agricultural land in the Bylong area is not justifiable and is not in the public benefit.

CWEC member groups in the Mudgee area have not had any consultation from the proponent, Kepco, prior to the Environmental Assessment Report being placed on public exhibition.

We consider that the proposed area of impact has very high conservation value, including important habitat for a number of matters of national environmental significance.

We object to the Bylong Coal Project for the following reasons:

1. Significant, unmitigated biodiversity impacts
2. Unassessed impacts on the integrity of the highly connected alluvial aquifer systems and the Bylong River
3. Loss of Biophysical Strategic Agricultural Land (BSAL)
4. Loss of significant Aboriginal and European cultural heritage

CWEC considers that there are numerous approved mining operations in care and maintenance in the Hunter Region that could be purchased by Kepco to supply its energy requirements without causing further cumulative environmental and social decline.

The assessment of impacts and proposed mitigation measures for the proposed project are very poor.

On this basis we consider that the Bylong Coal Project should be rejected.

Key Issues:

1. Significant, unmitigated biodiversity impacts

1.1 High Conservation Values

The study area for the proposed mine has very high species richness and key habitat values. These include a diverse range of flowering trees and shrubs that provide year round food sources, a large number of cliff lines and tree hollows and high connectivity for wildlife movement across the landscape.

The area is significant in that it falls within the scope of the Great Eastern Ranges Initiative that aims to link biodiversity hotspots and improve connectivity of the mountainous ecosystems of eastern Australia.

The area has a high flora species richness including over 450 native plants and three potentially new species.

1.2 Threatened Species

The ecological assessment of the proposal has recorded a high number of threatened species that will be impacted by habitat removal and subsidence.

These include:

- 135 ha of Critically Endangered Ecological Community (CEEC), Box Gum Woodland and Derived Native Grasses, in the open cut and mine infrastructure footprint and 672 ha within the underground subsidence area.
- 17 threatened bird species including significant impact on the nationally endangered Regent Honeyeater.
- 7 threatened plant species including the nationally endangered *Tylophora linearis* and *Ozothamnus tessalatus*.
- 7 threatened mammal species, including five nationally threatened species: Brush-tailed Rock Wallaby, New Holland Mouse, Spotted-tailed Quoll, Large-eared Pied Bat, Corben's long-eared Bat.

CWEC considers that this is a significant impact on biodiversity that cannot be adequately mitigated through offsets.

1.3 Poor assessment of water dependent species

CWEC considers that the assessment of Groundwater Dependent Ecosystems (GDEs) and aquatic habitat is very poor. There has been no assessment of impact of drawdown and subsidence on identified GDEs.

The ecological assessment report identifies that pools in the ephemeral creeks and river system are highly connected to groundwater and are predominantly replenished by this source.

The proposed drawdown of 20 m in groundwater levels of the alluvium is a significant impact that has not been assessed in regard to GDEs such as water holes, River Red Gums/River Oaks, Blakely's Red Gum/Rough-barked Apple.

The River Red Gum in the Hunter region is listed as an endangered population under the *NSW Threatened Species Conservation Act 1995*. All records of this species in the Bylong region fall within the project study area. The impact of groundwater drawdown on this threatened GDE has not been assessed.

The assessment fails to recognize the record of the Red-crowned Toadlet in the project locality and no targeted surveys were conducted for this vulnerable species.

1.4 Inadequate biodiversity offset strategy

CWEC strongly objects to the proposed biodiversity offset package because it has been poorly assessed and will not meet the requirements of the 'improve or maintain' rules.

The proposed biodiversity offsets are highly inadequate primarily because Offset Area 5 is the largest area, the majority of which falls within the subsidence impact area.

Offset Area 5 contains the largest number of offset credits for the Box Gum Woodland and Derived Native Grasses CEEC without acknowledging the level of impact from subsidence.

The offset strategy refers to a discount value of 10% as an adjustment to allow for the impacts of the subsidence overlay in Offset Area 5. This discount purports to reduce the 1,064 ha overlay down to 958 ha in assessments.

However, there is no evidence that this discount has been applied in any calculation of species and ecosystem credits.

Appendix K Table 5.5 assesses offset requirements calculated by ratio. The outcome is 1,391 ha of native vegetation in Offset Area 5. This is above the

discounted area of 958 ha. Therefore, the discount does not appear to have been applied to the ratio requirements.

Because Offset Area 5 provides the majority of credits for Box Gum Woodland and Derived Native Grasses CEEC, the calculations in Table 5.6 appear not to apply the discount.

Table 5.6 uses a total area of native vegetation in Offset Area 5 of 1,391ha to generate total ecosystem credits of 15,577 using the Framework for Biodiversity Assessment calculation tools. There is no evidence that the 10% discount to allow for subsidence impacts has been used in this calculation.

It is also difficult to identify how the discount has been applied to the total ecosystem credits for CEEC as recorded in Table 5.8.

CWEC considers that the statement in section 5.5.1 (App K) that the Biodiversity Offset Strategy provides a 9:1 ratio for the Box Gum Woodland and Derived Native Grasses CEEC is misleading.

Table 5.10 demonstrates that the offset requirements for the grassland component of the CEEC fall short by 4.07 ha.

We consider that the calculation of offset ratios and credits is misleading because the proposed discount has not been used and there is a shortfall for derived native grasses.

Because of the high conservation value of the area of impact, the proposed biodiversity offset is inadequate and has been poorly calculated. It is inappropriate for the largest area of offset to be impacted by subsidence.

The Biodiversity Offset Strategy does not meet the Secretary's Environmental Assessment Requirements (SEARs).

2. Unassessed impacts on the integrity of the highly connected alluvial aquifer systems and the Bylong River

The Report card for the Bylong River water source produced by NSW Office of Water has assessed the system to have high hydrological stress because peak extraction demand exceeds flows in December. There is a significant over allocation of water licenses in the system.

The Report card estimates that the rainfall recharge to the alluvial aquifer is 2, 580 ML/yr. The system is classified as a highly connected stream type.

The proposed mine is assessed to use 1,942 ML/yr for coal washing and dust suppression. This would be an extraction of over 75% of the annual aquifer recharge.

CWEC considers this to be unsustainable and would severely restrict water availability for the irrigation industry in the Bylong Valley and for the environment.

Besides this high level of annual water use, the predicted groundwater drawdown caused by mining operations is a peak annual loss of up to 295 ML/yr from the alluvial aquifer and loss of up to 918 ML/yr of base flows to the Bylong River.

The impacts of this extraction on the Bylong River system has not been adequately assessed because the proponent maintains that the acquisition of large irrigation licenses will provide suitable mitigation of water source impacts.

However, the over allocation of water access has not been adequately factored into the assessment, nor has the history of use of the acquired water licenses.

The ecological and socio-economic damage caused by these highly unsustainable water impacts will be irreparable and cannot be approved.

3. Loss of Biophysical Strategic Agricultural Land (BSAL)

CWEC considers that the proposal to destroy 440 ha of prime agricultural land is not acceptable. BSAL is highly fertile floodplain overlying an alluvial groundwater system. This landscape cannot be reconstructed or engineered in a different place. It certainly cannot be reconstituted within mine rehabilitation on top of mine spoil.

This is a high risk proposal that has not been tested.

The additional impact on 700 ha of Equine Critical Cluster land mapped under the Upper Hunter Strategic Land Use Plan cannot be justified.

Good farming land in Australia is priceless and irreplaceable and cannot be sacrificed for an eight year open cut coal project.

CWEC is concerned that the impacts of mining on the natural sequence farming methods developed at Tarwyn Park have not been assessed and will more than likely destroy the landscape by draining off the water supply through groundwater drawdown.

The Bylong Valley is very important for Australia's future food security and should not be impacted for a short term coal project. The loss of prime agricultural land is not in the public benefit and should not be approved.

4. Loss of significant Aboriginal and European cultural heritage

CWEC objects to the proposal to destroy regionally significant Aboriginal cultural heritage such as an ochre quarry, grinding grooves and rock shelters.

The Goulburn River catchment area is a very important link for Aboriginal culture. This has not been recognised. The cumulative impact of existing mining activities in the region has caused significant loss of these linkages of Aboriginal cultural heritage. These losses cannot be mitigated.

The loss of European heritage will also be significant. The Bylong district has an important history of European settlement that should be protected.

Conclusion:

CWEC considers that the cumulative impacts of the proposal have not been fully assessed and that the SEARs have not been met.

This proposal cannot be justified and is unsustainable.

CWEC recommends that the proposed Bylong Coal Project be rejected.

Yours sincerely

A handwritten signature in black ink, reading 'Cilla Kinross', written in a cursive style.

Cilla Kinross
President